

• **REMARKS**

The present Preliminary Amendment is being filed in the above-identified application together with a Request for Continued Examination of the application.

By the present Preliminary Amendment, independent claim 1 has been changed to recite that the second web comprises a nonwoven fabric that is formed of fibers which are deposited in a layer without mechanical entanglement.

Support for the changes to independent claim 1 can be found collectively in the paragraph bridging pages 7 and 8 of applicant's specification where applicant discloses how a plurality of fibers that form the first web are deposited on an endless belt, and in the paragraph bridging pages 5 and 6 of applicant's specification where it is stated that the fibers of the first web are "neither fused nor mechanically entangled tightly with each other."

Entry of the changes to independent claim 1 is respectfully requested.

In the Official Action of February 7, 2003 the Examiner rejected all of applicant's pending claims under 35 U.S.C. §103(a) as being unpatentable over International Publication No. WO 95/19258 to Suzuki in view of U.S. Patent No. 6,361,527 to Van Gompel et al.

The Examiner relied upon Suzuki as disclosing a method of stretching or activating a web, which method includes stretching the web to activate the web to provide a more elastic stretch to the web.

The Examiner conceded that Suzuki does not disclose a method of bonding the elastic web to a second web by superimposing and joining the webs in an intermittent manner.

The Examiner accordingly relied upon Van Gompel et al. as disclosing a method of forming three dimensional pocket garments by:

...superimposing an elastic backsheet and topsheet and connected together using adhesive spot bonding, where the elastic backsheet would provide an elastic and tear resistance properties to the article.

In combining the teachings of Suzuki and Van Gompel et al. the Examiner took the position that:

It would have been obvious....to bond the elastic backsheet to a topsheet as disclosed by Van Gompel et al in the method of Suzuki to provide an article with elastic and tear resistance properties.

Applicant's patent counsel has argued that the pending claims are process or method claims and include the limitation that the first web is extended and contracted before the first and second webs are superimposed and bonded together.

Suzuki expressly teaches that the elastic sheet in its "unstretched state" and the non-woven fabric in its "unelongated state" are bonded together.

Accordingly, Suzuki fails to teach each of the steps or limitations of applicant's method claims.

Notwithstanding applicant's arguments concerning Suzuki the Examiner has stated:

The examiner relies on Suzuki to provide the teaching of stretch activating the web to provide a stronger and more elastically recoverable web, which is done prior to or during the production of the product (Page 4, lines 35-38) and the instant invention,

The Examiner's reliance upon what Suzuki teaches regarding stretch activating is not germane to applicant's claimed invention, because it does not specifically address each of the

required steps or limitations of applicant's claimed method which require extending and contracting the first web prior to bonding the first and second webs together.

In order to more clearly distinguish applicant's invention over Suzuki (and Van Gompel et al.), applicant's independent claim 1 has been changed herein to recite that the second web comprises a nonwoven fabric that is formed of fibers which are deposited in a layer without further mechanical entanglement.

This structural feature is believed, at least in part, to distinguish over the structure and function of Suzuki.

A careful review of applicant's disclosure reveals that, in contrasted to the prior art discussed in the *Background of the Invention* section, applicant's composite sheet exhibits a significantly small amount of permanent strain, so that once stretched, the composite sheet will return to just about its original dimension. This properly, as indicated in the paragraph bridging pages 5 and 6 is due, at least in part, to the fact that the fibers of the upper or second layer are "neither fused nor mechanically entangled tightly with each other" so that they return to their curved shapes after the first layer is stretched.

In complete contrast to applicant's claimed invention, Suzuki teaches: 1) that the non-woven fabric has a potential elongatability of more than 100% and the elastic sheet has an elastic recovery rate of as little as 60%; and 2) the nonwoven fabric in each instance is required to be "hydro-entangled."

It is believed that the hydro-entanglement of the nonwoven fabric of Suzuki prevents the individual fibers from returning to their original shapes/positions after the nonwoven fabric is

extended and contracted, because the individual fibers would tend to become tightly entangled at the hydro-entanglement points once the individual fibers of the nonwoven fabric is under tension.

It is believed that this is why Suzuki teaches that the initial stretch of the elastic composite cause the structural changes under conditions of high stress.

It is believed that as claimed herein, applicant's invention is both structurally and functionally distinguishable over Suzuki taken alone or in combination with Van Gompel et al.

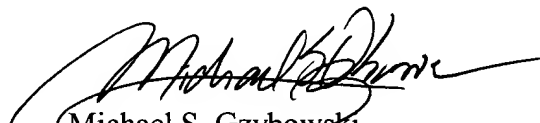
Based upon the above distinctions between the prior art of record and the present invention, it is submitted that the present invention as presently claimed is allowable.

Accordingly, entry of the present Preliminary Amendment and an early allowance of the application are earnestly solicited.

If upon consideration of the above, the Examiner should feel that there remain outstanding issues in the present application that could be resolved; the Examiner is invited to contact applicants' patent counsel at the telephone number given below to discuss such issues.

To the extent necessary, a petition for an extension of time under 37 CFR §1.136 is hereby made. Please charge the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 12-2136 and please credit any excess fees to such deposit account.

Respectfully submitted,


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Marked-Up Copy of the Claims
As Amended on May 7, 2003

1. (Four Times Amended) A process for manufacturing a composite sheet capable of elastic stretch and contraction in one direction, said process including the steps of:

(a) [continuously feeding, in one direction,] providing a first web capable of elastic stretch and contraction and having a top surface and a bottom surface;

(b) continuously feeding the first web along one direction;

(c) [(b)] extending the first web in the one direction within a range that permits elastic stretch and contraction of the first web;

(d) [(c)] allowing the extending first web to retract by an elastic contraction force of the web;

(e) [(d)] continuously feeding at least one second web along the one [direction;] direction, said second web comprising a nonwoven fabric formed of fibers which are deposited in a layer without further mechanical entanglement;

(f) [(e)] superimposing said at least one second web on at least one of said top surface and said bottom surface of the first web after said first web has been extended and retracted in steps (c) and (d); [(b) and (c);] and

(g) [(f)] joining the first and second webs in an intermittent manner along the one direction.